

Law Clerk's Copy

US Dist Court Middle
Dist Court of Penna

CO
6

WM Branch
Plaintiff

v
Ression et al.
Defendant

Civil action
No. 1:C.V. 00-1728
(Judge Rombo)

FILED
HARRISBURG

JAN 14 2002

MARY E. D'ANDREA, CLERK
Per _____ M/M
DEPUTY CLERK

If it Please's the court here come I
William Branch ask the court to grant my motion
for discovery.

1. a copy of my ~~com~~ committent papers from
SCI waymart on my Pre sentence investigation
2. from the P.B.P.P. a status sheet of How
many inmates have been paroled who Did
complete the S.O.P and How many inmates
were paroled who did not complete the
S.o. P. and in each group How many were
Black and How many were White also
How many of each group Reoffended for
Sex offences and which were Black and
which were White.

I need this to show that my Denial of Parole
as stated by Mr. Nish in Exhibit A A-11 Page 5 A A-11
2 paragraph from the bottom this will show the
falsefication of office documents and Racail dis-
Crimination by the denial of Parole to me
Date 1-11-02

Respectfully
WM Branch
PO BOX 256 Pa 18
Waymart

PROOF OF SERVICE

I, the undersigned, verify that I have served a copy of this petition by U.S. postage paid mail to:

U.S. Justice Dept
Attn: Diane Roberts
Washington D.C.
20531

Deputy Attorney
General Mosely
Strawberry Sqf 15th FL
Harrisburg Pa 17120

US Dist Court
Judge Rambo
PO Box 983
Harrisburg
17108

* No prayer
* No exhibit

MOTION TO PROCEED IN FORMA PAUPERIS

I, the undersigned, move this Honorable Court for an order permitting me to proceed In Forma Pauperis. I had previously been granted In Forma Pauperis status. My financial situation has not changed. I am still unable to pay the cost of the said proceedings.

VERIFICATION

I, the undersigned, verify that the above statements are true and correct and that any false statements herein are made subject to Title 18 Pa.C.S.A. section 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: 1-11-02

William Branch

S.C.I. Waymart
P.O. Box 256
Waymart, PA 18472-0256

Exhibit
AA-B

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
1451 N. MARKET STREET
ELIZABETHTOWN, PA 17022

OFFICE OF THE
CHIEF HEARING EXAMINER

December 10, 2001

William Branch, CF-3756
SCI Waymart

Re: DC-ADM 801 - Final Review
Misconduct No. 627233

Dear Mr. Branch:

Your appeal of the above-referenced misconduct has been received by this office and is accepted for final review. In this appeal, you suggest the evidence is insufficient to support a finding of guilt.

In accordance with DC-ADM 801, VI, L, 3, I have reviewed the entire record of this misconduct; including the misconduct report, the hearing report and related documents, your appeal to the Program Review Committee and their response, your appeal to the Superintendent and his response. I have also thoroughly reviewed the issues you raise to final review.

There is sufficient evidence in the misconduct report to sustain a finding of guilt. At your hearing, and in this appeal, you deny some of that evidence. The only issue here is one of credibility. DC-ADM 801, §VI E, 7 d, provides that determinations of credibility shall be left to the judgement of the Hearing Examiner. The Examiner discredited your denials and found credible the evidence related by the charging officer in the misconduct report. There is no basis for this office to overturn the Examiner's determination of credibility. Therefore, the credible evidence presented at your hearing supports the finding of guilt the Examiner made.

*Based upon C.D. Muir's
Counting rule first*
For the above-stated reasons, I conclude that the issues raised do not require any further action on this misconduct. Your appeal must, therefore, be denied.

*The FACTS by
Themselves allow
The H.E. ERRORED!
w.b.*

Sincerely,



Robert S. Bitner
Chief Hearing Examiner

RSB:bjk

pc: Superintendent Colleran

Dec. 2, 2001

WR Branch CF 375
Po Box 256
Waymart Pa 18472

Final Review
Sec. office of inmate grievance

Misconduct #62723

Sir. I was written up for failing to sit for count one cp counted me said nothing C/o Kowarski right behind him counting said WR Branch sit up, I was already sitting up 3 inmate's witness also affirmed this the witness statement is in their own hand writing using a inmate as an example is not Justice nor is it Equal protection.

Evidence: I go said I was not sitting, I have written him up and I am seeing him in federal court if he wrote me up he should have written everyone that he had to ask to sit for count at anytime this was personal

Evidence: I go counted found no need to say anything three inmates witness written statement and oral allowed by hearing Examiner stated an affirmation to tell the truth, that I was sitting for count.

I am no bodies leader I am trying to follow the rules and I wish these people would do the same. Retaliation is a violation of the const of the U.S.A

I respectfully ask that you over rule the H.E.

Date 12/24/01 I affirm the above statement to be true under penalty of the law Respectfully

WR Branch

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

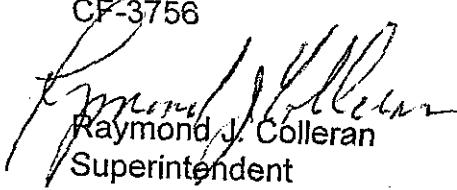
SCI WAYMART

570-488-5811

November 28, 2001

SUBJECT: Appeal to Misconduct 627233

TO: William Branch
CF-3756

FROM: 
Raymond J. Colleran
Superintendent

I have reviewed your misconduct received in my office on November 28, 2001. After my review, I concur with the findings of the hearing examiner and the sanction imposed by him.

Your appeal at this level is denied.

RJC/fb

cc: PRC Members
DC-15

"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims."

Form DC-135A

Commonwealth of Pennsylvania
Department of Corrections

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer) Det. Colleen827233

2. Date:

11-27-01

3. By: (Print Inmate Name and Number)

WM Branch CF 3756William Branch

Inmate Signature

4. Counselor's Name

M McDonnell

5. Unit Manager's Name

W Chapman

6. Work Assignment

Unassigned

7. Housing Assignment

F-2

8. Subject: State your request completely but briefly. Give details.

As I was given 30 days cell restriction
for failing to sit for count.

One C/O counted me twice C/O Kowalski
in front of my cube C/O Kowalski then said
sit for count.

I was sitting for count by C/O Main counting me
and leaving I also had 3 inmates witness state that
I was sitting for count. C/O Kowalski is retaliating
against me for grievances written on Main by me

With this verdict anyone he disliked he can say
sit for count and you get convicted no matter what
witness you have these inmates know what happen and
how wrong this C/O is in the interest of justice please
over turn this charge

Respectfully,To DC-14 CAR only To DC-14 CAR and DC-15 IRS

Staff Member Name

Print

Sign

Date

P.S. there was a little more but I forgot

DC-141 PART III
PROGRAM REVIEW COMMITTEE ACTION

**COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF CORRECTIONS**

Misconduct Appeal Periodic Review
 Other

DC Number	Name	Institution	Date of Review	No. from PART I
CF-3756	Branch, William	SCI-Waymart	11/21/01	627233

Mr. Branch is appealing misconduct #627233 for Failure to Stand Count or Interference With Count on the grounds that the procedures used were contrary to law, Administrative Directive 801 or ICU Consec Decree; the punishment was disproportionate to the offense and the evidence was insufficient to support the decision. In reviewing the misconduct, the Program Review Committee found that there was no violation of any department directive or law. In addition, the punishment was appropriate for the misconduct and that the evidence was sufficient to support the Hearing Examiner's decision. It should be noted his statement of facts relevant to this appeal provided no new information. The Program Review Committee sustains both the findings of the Hearing Examiner and the sanction.

Name of Program Review Committee Members	Signatures	Date
Deputy Martin Andrews	<i>Martin F. Andrews</i>	11-1
Milt Friedman, Unit Manager	<i>Milton Friedman</i>	11/2
Lieutenant Emanuel Patterson	<i>Emanuel D. Patterson</i>	11/2

3

FORM DC-141		PART I		COMMONWEALTH OF PENNSYLVANIA		627233	
Rev. 6-84		<input checked="" type="checkbox"/> MISCONDUCT REPORT <input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number CE 3756	Name BRANCH	Institution SCI WEN	Incident Time 24 Hr. Base 1630	Incident Date 11-17-01	Date of Report 11-17-01		
Quarters F-2	Place of Incident F-2 Cuse 1004	Exhibit A A - 8					
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	DC Number	Name	I	
	COT Muir		X				
MISCONDUCT CHARGE OR OTHER ACTION (CLASS 1 CAT B #35 (Failure To Obey An Order) CLASS 1 B #41 (Failure To Stand Count Or Interfere With Count))							
STAFF MEMBER'S VERSION AT 1630 Control Made The Announcement To Conduct Count. AT THIS TIME OFCER Muir Ordered The Block To Sit up on Their Banks. When Counting Cuse 1004 THIS OFFICER'S COUNT WAS INTERRUPTED BY STEPPING TO ORDER Tim Branch CE 3756 TO SIT FOR COUNT, WHO WAS LYING ON HIS BANK. HE REFUSED OFCER Muir's INITIAL ORDER TO SIT UP AND REFUSED ALL PREVIOUS ORDERS BY MYSELF ON 7-14-01, OFCER RORY ON 10-24-01, OFCER Pugliese ON 6-5-01, AND OFCER SAWETTICK ON 12-20-00 ALL HAVE BEEN DOCUMENTED ON HIS QUARTERS DOCS.							
IMMEDIATE ACTION TAKEN AND REASON (CONTINUE PRE-SET STATUS UNTIL SEE BY HEARING EXAMINER. PRE-HEARING CONFINEMENT (DUE TO SEVERITY OF MISCONDUCT)							
<input type="checkbox"/> YES	TIME	DATE	FORMS GIVEN TO INMATE <input checked="" type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION				
<input checked="" type="checkbox"/> NO	_____	_____	<input checked="" type="checkbox"/> INMATE'S VERSION				
REPORTING STAFF MEMBER SIGNATURE AND TITLE Breezy Krasowski Breezy Krasowski CAT			ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY H. J. D. O. L.			DATE AND TIME INMATE GIVEN C	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE 11-18-01			TIME 09:00			DATE 17NOV01	
			Misconduct Category <input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2			TIME 24 HOUR 2027	
NOTICE TO INMATE You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class 1 misconduct, any pre-release status you have will be revoked.							
WHITE—DC-15				YELLOW—Inmate Cited		PINK—Staff Member Reporting Misconduct	
						GOLDENROD—Deputy Superintendent	

DC-141 PART II C
Rev. 6-84 HEARING SUPPLEMENT
INMATE VERSION AND WITNESS STATEMENTS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC Number	Name	Institution	No. from PART
CF-3756	BRANCH Exhibit AA - 8	SLIUM	62723

INMATE'S VERSION

Sir: I do not disobey any orders given to me by staff and I tell others to obey all orders given and to respect those who have charge over us. God tells all Christians to do this.

I was sitting up for Count the C/O Muir came in the Cube counted walked out ~~after~~ after he counted me sitting up. he Passed C/O Kowarski in front of my Cube C/O Muir ~~and~~ and three other inmates in Bed 6, 7, 8 Right next to me.

I have spoken with Lt Vargas and MR Mc Donnell about C/O Kowarski. I have written Grievance about him Lt Vargas spoke with him. I do not have any problems with any other Block officer I really try very hard to stay out of trouble. I am seeing C/O Kowarski in federal court all this is Retaliation for accessing the Count

Sir there are 365 days in a year I have been on this Block a year 4 counts a day 1,400 a year all to count and I sit for all of them

I know how important Count is all of these entries are from 2 shift with C/O Kowarski tell his fellow C/O's to make these entry two of them were because I was sleep and one I was on the top bunk and could not hang my feet down

I am fifty years old almost and I do fall asleep after I eat I have high Blood Pressure a slow heart and Diabetes I know I have to be calm stay away from pressure situations so I have to agree and Comply with all C/O's and staff.

I am only trying to do my time without any trouble and go home I do not hate C/O Kowarski I just love him and all people because they are made in Gods image and help them God willing

I do not control anything or anyone only myself

DC-141 PART II A
Rev. 6-84
INMATE REQUEST FOR
REPRESENTATION AND WITNESSES

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC Number <i>CF 3756</i>	Name <i>BRANCH</i>	Institution <i>Chestnut Ridge</i>	Date <i>11-17-01</i>	Number as on Pa
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You have been charged with a misconduct. You may request assistance and/or witnesses to appear at your hearing by completing the section(s) below.

In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 a.m. the first working day after you receive notice of the misconduct.

Assistance: I do not request assistance
 I request assistance by _____
 (The person requested must be willing to assist you)

Witnesses: You may request witnesses in accord with DC-ADM 801. State the relevance and importance of the testimony the witness will give.

<p>1. Name of Witness: No. Quarters <i>LIMbeck Smiley DP5733 F2-1004 Bed #1</i> Why is this person's testimony relevant and important? <i>I SAW branch sitting on his bunk at count time</i></p> <p>2. Name of Witness: No. Quarters <i>Percy Maple Esq 273 F2-1004 Bed #8</i> Why is this person's testimony relevant and important? <i>I seen Branch up at count time sitting up on his bunk</i></p> <p>3. Name of Witness: No. Quarters <i>JEFFREY Board AS-2594 F-2/1004</i> Why is this person's testimony relevant and important? <i>Mr Branch was up for count the same as he is always.</i></p>	<p>If Inmate</p> <p>DO NOT WRITE IN THIS SECTION For Use by Hearing Examiner</p> <p>Witness permitted? <i>Yes</i> If not, why not?</p> <p><i>Please note that each inmate write his own statement</i></p> <p>Witness permitted? <i>Yes</i> If not, why not?</p> <p>Witness permitted? <i>Yes</i> If not, why not?</p>
<p><i>William Branch CF3756</i></p> <p>Inmate's Signature</p>	<p><i>Donald J. Jones</i></p> <p>Hearing Examiner's Signature</p>
<p>This section to be completed by Housing Officer only</p> <p>Received completed form <u>0645</u> hours <u>11-19-01</u></p> <p>Time Date</p> <p><i>Richard Scott</i></p> <p>Housing Officer's Signature</p>	

FORM DC-141 PART II E
MISCONDUCT HEARING APPEALCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC Number <u>CF 3756</u>	Name <u>William Blanch</u>	Institution <u>SCI Waymart</u>	No. from PAR
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I was found guilty of misconduct # 627133 on 11-20-01 (date) by the Hearing Committee/Examiner, and I wish to appeal that decision on the following grounds:

Check Area(s) Involved

- a. The procedures employed were contrary to law, Administrative Directive 801, or to the ICU Consent Decree;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.

Below is a brief statement of the facts relevant to my claim(s). It includes the identity of all persons who may have information which may be helpful in resolving this matter.

I was charged with Disobeying a order not sitting for count that was dismissed misconduct # 35. Then I went down. Been sitting for count Reason co muir called count and he counted me first. co Kowarski counted me after co muir I never change my position.

Three inmates testified to this and co muir by his own self me and not saying I not sitting for count even if it's not my witness incredible co muir counting me says I was sitting for count

in the evidence shifts to my favor. the photo submitted submitted that I was wearing all kinds of appropriate but there is mention to it this I was in a big bunk house and I have no problem with Brown, co muir and co Kowarski never took my work. Sitter. I know I will not have this

I have explained to co Kowarski I am not intention of sitting out I am a old man and sometime after I will sit with them time I was not asleep and I was sitting up I went upstairs with co Kowarski I will say " Sir I do not know what you do like me so first I will make over except the sit with my feet on the floor"

Handwritten signature

DC-141 Rev. 6-84 DISCIPLINARY HEARING REPORT		PART II B COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS				
DC Number <u>CF3756</u>	Name <u>BRAUNER, Eric Steven</u>	Institution <u>CFI</u>	Hearing Date <u>11-21-2001</u>	Hearing Time <u>1008</u>	No. from Pa. <u>6272</u>	
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty		
HEARING ACTION						
CHARGES	<u>35</u>					
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED						
<p>Branche please not guilty of both charges and does submit a written version which is attached.</p> <p>Inmate Maple testified under oath that he did see inmate Branch sitting for count on 11-17-2001 0/1630 hrs. When ordered to sit for Count inmate Branch sat all the way up.</p> <p>Inmate Bond testified under oath corroborating the testimony of inmate Maple.</p> <p>Inmate Smiley testified under oath that he saw inmate Branch sitting for the 1630 hrs. Count. I didn't hear any orders.</p> <p>H.E. does not believe any of the witness.</p> <p>Examiner believes the officers reported the inmate denial and the witness testimony. C.O. Kawowski also observing that inmate Branch was not sitting for the 0/1630 hrs. Count on 11-17-2001 as required. Inmate Branch was lying on his bed bunk at 1630 hrs. H.E. makes note that inmate Branch did fail to sit for count. Inmate Sanction loss of job.</p> <p style="text-align: right;">of #41.</p> <p style="text-align: right;">Dismissal #3</p>						
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	The inmate has heard the decision and has been told the reason for it and what will happen.				
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	The circumstances of the charge have been read and fully explained to the inmate.				
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	The opportunity to have the inmate's version reported as part of the record was given.				
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.				
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED)			Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.			
<u>DONALD J. JONES</u>			<u>Donald J. Jones</u> SIGNATURE OF HEARING EXAMINER/COORDINATOR			